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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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66/945 7590 05/02/2008 TOWNSEND AND TOWNSEND CREW LLP TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111				
EXAMINER				
WORJLOH, JALATEE				
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3621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,212

Applicant(s)

DAVIS, STEVE

Examiner

Jalatee Worjloh

Art Unit

3621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1-22-08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17, 19-26 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19-26 and 28-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed January 22, 2008. Claims 1-8, 10-17, 19-40 are pending.

Response to Arguments

2. Applicant's arguments filed January 22, 2008 have been fully considered but they are not persuasive.
3. As per claims 7, 16, and 25, Applicant's asserts that the office action mischaracterizes the use of pseudonym and explains that the pseudonym "is not an account number, but rather it can be a code or number that can be linked with an account number" and directs the Examiner to paragraph [0016] of the specification.

The Examiner notes, as implied by the phrase "can be", pseudonym defined in Applicant's specification is merely an example. Thus, because the specification does not give any lexicographic definition of the term, pseudonym is given the broadest reasonable interpretation. Further, Applicant has not objectively indicated and redefined claim limitation(s) to have meanings other than their ordinary and accustomed meanings, the Examiner concludes that Applicants have decided not to be their own lexicographer. To support this position, the Examiner relies on the following factual findings. First, the Examiner has carefully reviewed the specification and prosecution history and can not locate any lexicographic definition(s). Second, the Examiner finds that not only have Applicants not pointed to definitional statements in their specification or prosecution history, Applicants have also not pointed to a term or terms in a claim with which to draw in those statements with the required clarity, deliberateness, and

precision. Accordingly and for due process purposes, the Examiner gives notice that for the remainder of the examination process (and unless expressly noted otherwise by the Examiner), the heavy presumption in favor of the ordinary and accustomed meaning is not overcome; the claims therefore continue to be interpreted with their "broadest reasonable interpretation" *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). The Examiner now relies heavily and extensively on this interpretation. Unless expressly noted otherwise by the Examiner, the preceding claim interpretation principles in this paragraph apply to all examined claims currently pending.

Additionally, Otto indicates that the anonymous identifying information can include an anonymous name or anonymous address (see paragraph [0028]). The anonymous information, which includes an anonymous name, is associated with the user's real identifying information, which includes an account number (paragraph [0029]). Since the anonymous information is associated with the real identifying information, the data are linked.

4. Also, Applicant states that "the pseudonym can be used to correlate certain aspects of a transaction" and "is not necessary a permanent entity, it may be set to expire after a certain period of time".

In response, the Examiner notes although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Applicant states that "Allen does not disclose a pseudonym, for the same reasons as discussed previously in reference to Otto". However, the Examiner respectfully disagrees and directs Applicant to the response above and paragraph [0049] of Allen.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 10, 19, 32, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2005/0021781 to Sunder et al. ("Sunder") in view of US Patent No. 7069249 to Stolfo et al. ("Stolfo").

Referring to claim 1, Sunder discloses receive an authentication request from a cardholder system (i.e. client device)(see paragraphs [0005] & [0007]), forward the authentication request to an access control server (see paragraph [0008]), relay authentication information between the access control server and the cardholder system receive an authentication response from the access control server and forward the authentication response to the cardholder system (see paragraphs [[0010] & [0011]). Sunder does not expressly disclose wherein the central transaction server initiates a payment request process. Stolfo discloses a central transaction server (proxy computer) initiates a payment request process (see col. 30, lines 31-39) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include a central transaction server that initiates a payment request process. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

Claims 10, 19, 32 and 33 are rejected on the same rationale as claim 1 above.

Referring to claim 38, Sunder discloses an authentication server (see claim 1 above). Sunder does not expressly disclose the server hosts at least one web page. Stolfo discloses an authentication server that hosts at least one web page (see col. 22, lines 19-32 – the proxy system provides the vendor's webpage). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the process where the authentication server hosts at least one web page. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

8. Claims 2, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder, Stolfo as applied to claim 1 above, and further in view of U.S. Publication No.2002/0128973 to Kranzley et al. ("Kranzley").

Referring to claim 2, Sunder discloses an electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose the authentication response is adapted to be analyzed by a merchant system. Kranzley discloses formatting SET messages that are compatible with a merchant system (see paragraph [0032]) At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to apply the concept taught by Kranzley to Sunder in order to translate the response to a format compatible with a merchant system. One of ordinary skill in the art would have been motivated to do this because provides a means for the merchant system to read and process the message.

Claims 11 and 20 are rejected on the same rationale as claim 2 above.

9. Claim 3, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Stolfo as applied to claim 1 above, and further in view of U.S. Publication No. 2003/0046541 to Gerdes et al. ("Gerdes").

Sunder discloses an electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose wherein the central transaction server is adapted to forward a copy of the authentication response to an authentication history server to be archived. Gerdes discloses a central transaction server that forwards a copy of an authentication response to an authentication history server to be archived (see paragraph [0057]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include a copy of the authentication response to an authentication history server. One of ordinary skill in the art would have been motivated to do this because it provides a history of authentication transaction (see paragraph [0057] of Gerdes).

Claims 12 and 21 are rejected on the same rationale as claim 3 above.

10. Claims 4-6, 13-15, 22-24, and 28 -31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Stolfo as applied to claims 1, 10 above, and further in view of US Publication No. 2004/0254848 to Golan et al. ("Golan").

Referring to claims 4 and 5, Sunder discloses the electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose wherein the central transaction server further receives a verifying enrollment request from a directory server,

and to send a verifying enrollment response to the directory server; wherein the central transaction server is sends the verifying enrollment response in response to a query to the access control server. Golan discloses wherein the central transaction server further receives a verifying enrollment request from a directory server, and to send a verifying enrollment response to the directory server; wherein the central transaction server is adapted to send the verifying enrollment response in response to a query to the access control server (see paragraphs [0094]-[0097] & claims 5,6). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the system wherein the central transaction server receives a verifying enrollment request from a directory server, and to send a verifying enrollment response to the directory server; wherein the central transaction server sends the verifying enrollment response in response to a query to the access control server. One of ordinary skill in the art would have been motivated to do this because provides an additional level of verification, thereby securing the system.

Referring to claim 6, Sunder discloses the electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose the central transaction server is adapted to send the verifying enrollment response to the directory server with or without querying the access control server, and is further adapted to query the access control server in response to receiving an authentication request. Golan discloses the central transaction server is adapted to send the verifying enrollment response to the directory server with or without querying the access control server, and is further adapted to query the access control server in response to receiving an authentication request (see paragraphs [0099] & [0100]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to

modify the system disclose by Sunder to include the system wherein the central transaction server is adapted to send the verifying enrollment response to the directory server with or without querying the access control server, and is further adapted to query the access control server in response to receiving an authentication request. One of ordinary skill in the art would have been motivated to do this because provides an additional level of verification, thereby securing the system.

Claims 13, 22, 28, and 30 are rejected on the same rationale as claim 4 above.

Claims 14 and 23 are rejected on the same rationale as claim 5 above.

Claims 15 and 24 are rejected on the same rationale as claims 6 above.

Referring to claims 29 and 31, Sunder discloses the electronic commerce card authentication system (see claims 28 and 30 respectively above). Sunder does not expressly disclose modifying the verifying enrollment request from a directory server, and forwarding the modified verifying enrollment response to the directory server. Golan discloses receiving a verifying enrollment request from a directory server, and to send a verifying enrollment response to the directory server and sending the verifying enrollment response in response to a query to the access control server (see paragraphs [0094]-[0097] & claims 5,6). Golan does not teach the request being modified; however, the concept of modifying data is well known in the art of data processing. Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the steps of disclose receiving a verifying enrollment request from a directory server, and to send a verifying enrollment response to the directory server and sending the verifying enrollment response in response to a query to the access control server. One of ordinary skill in the art would have been

motivated to do this because provides an additional level of verification, thereby securing the system.

11. Claims 7, 16, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Stolfo as applied to claims 1, 10 and 19 above, and further in view of US Publication No. 2001/0029496 to Otto et al. ("Otto")

Referring to claim 7, Sunder discloses the electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose the authentication request includes a pseudonym corresponding to an electronic commerce card account number and previously created by the central transaction server. Otto discloses the authentication request includes a pseudonym corresponding to an electronic commerce card account number and previously created by the central transaction server (see paragraph [0027] – [0029] –the user can submit the anonymous identifying information to the merchant; the merchant submits the request the banking network who then forwards the request to the financial institution that issued the anonymous card). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include a pseudonym corresponding the electronic commerce card account number in the authentication request, the pseudonym previously created by the central transaction server. One of ordinary skill in the art would have been motivated to do this because it secures user's identity by providing a means for users to anonymously purchase goods and services over a network (see Otto paragraph [0007]).

Claims 16 and 25 are rejected on the same rationale as claim 7 above.

12. Claims 8, 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunder and Stolfo as applied to claims 1, 10 and 19 above, and further in view of US Publication No. 2003/0168510 to Allen.

Referring to claim 8, Sunder discloses the electronic commerce card authentication system (see claim 1 above). Sunder does not expressly disclose the authentication request includes a pseudonym previously created by a merchant system that corresponds to an electronic commerce card account number. Allen discloses a merchant generating a pseudonym (see abstract, paragraphs [0002] & [0028]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include a pseudonym previously created by the merchant. One of ordinary skill in the art would have been motivated to do this because it protects messages and information being transmitted during a transaction.

Claims 17 and 26 are rejected on the same rationale as claim 8 above.

13. Claims 34- 37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over to Sunder et al. ("Sunder") and Golan in view of Allen.

Referring to claim 34, Sunder discloses receiving an authentication request from a holder system (i.e. client device) (see paragraphs [0005] & [0007]), sending the authentication request with the pseudonym to the access control server (see paragraph [0008]), receiving an authentication response and sending the authentication response to the holder system (see paragraphs [[0010] & [0011]). Sunder does not expressly disclose receiving a verifying enrollment request, sending the verifying enrollment response to an access control server, receiving a verifying enrollment response from the access control server, creating an altered

verifying enrolling response comprising a pseudonym, sending the altered verifying enrollment response to a merchant system, wherein the merchant system subsequently sends an authentication request including the pseudonym to a holder system. Golan discloses receiving a verifying enrollment request, sending the verifying enrollment response to an access control server, receiving a verifying enrollment response from the access control server (see paragraphs [0094] – [0097] & claims 5, 6). As for creating an altered verifying enrollment response comprising a pseudonym and sending the altered verifying enrollment response to a merchant system, wherein the merchant system subsequently sends an authentication request including the pseudonym to a holder system, combining the pseudonym concepts taught by Sunder, the verification of enrollment concepts taught by Golan and the creation a pseudonym taught by Allen (see paragraphs [0002], [0028] & abstract) would result in these steps. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the steps of receiving a verifying enrollment request, sending the verifying enrollment response to an access control server, receiving a verifying enrollment response from the access control server, creating an altered verifying enrolling response comprising a pseudonym, sending the altered verifying enrollment response to a merchant system, wherein the merchant system subsequently sends an authentication request including the pseudonym to a holder system. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

As for claims 35-37, Sunder teaches these steps (see claim 34 above).

Referring to claims 39 and 40, Sunder teaches a central transaction server (see claim 34 above). Sunder does not expressly disclose the authentication request including the pseudonym

sent to a holder system further comprises a web page containing a redirect command, wherein the command is an HTTP redirect command, comprising the address of the central transaction server. Stolfo discloses the missing elements (see col. 22, lines 19-32 – the proxy system provides the vendor's webpage, which is inherently using a redirect command; also, fig. 9 & the associated text, teaches the redirect feature). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Sunder to include the process where the authentication server hosts at least one web page. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/
Primary Examiner, Art Unit 3621